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The Challenge of Islamophobia

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Summary

The following briefing summarises research on Islamophobia conducted by the authors and others. It notes the increased hostility towards Muslims in recent times and relates this to the broader policy context (meaning domestic counterterrorism and foreign policy related to the war on terror), rather than simply focusing on public attitudes. It describes the ways discriminatory counter terrorism practices have affected Muslims, using official data as far as possible. It goes on to describe the ways in which particular think tanks have pressed the government (with some success) to take a more overt anti-Islam approach to Prevent.

Introduction

We have researched Islamophobia and related issues separately and collectively for over a decade¹ along with a variety of collaborators.² Our approach is to examine the concrete disadvantages suffered by Muslims, and then to trace the sources of such disadvantage. This approach is in keeping with the concept first brought to public attention by the MacPherson report on the killing of Stephen Lawrence: institutional racism. This concept of institutional racism is useful since it draws attention both to the disadvantage caused by those operating with prejudice and conscious bias, and that caused by practices that do not necessarily flow from such views or ideas. It directs our attention not just to obvious manifestations of racism, such as hate crimes, but also to more subtle and routine practices that create both concrete disadvantages for Muslims and, we argue, a broader climate that encourages more overt forms of racism.

There is abundant evidence that a wider climate of hostility towards Muslims as people and Islam as a religious faith is fuelling an increase in discrimination, bullying as well as direct intimidation and violence. Dealing with this problem means not only trying to combat hate crime at the point of

offending, but addressing the wider antecedents of Islamophobia.

Institutional Islamophobia

It is clear that counter terrorism policy and practice disproportionately affects Muslims. There is a wide variety of evidence for this, but it is clear even if we keep in the main to official statistics. We detail the specifics of this evidence below.

Section 44 searches

Under Section 44 of the Terrorism Act 2000, which was declared unlawful by the European Court of Human Rights, the police were entitled to stop and search any person or vehicle without any requirement for 'reasonable suspicion'. Due to the draconian nature of this power, Section 44 was originally intended to be restricted to specified areas and for limited periods. But in the event the Metropolitan Police were granted rolling authorisation, meaning that for almost a decade this power was in operation in the whole of the Greater London area. Guidance on Section 44 published by the Home Office in 2004 stated that

There may be circumstances where it is appropriate for officers to take account of a person's ethnic background when they decide who to stop in response to a specific terrorist threat (for example, some international terrorist groups are associated with particular ethnic groups, such as Muslims). (Quoted in Kundnani 2006)

Comparing the self-identified ethnicity of those stopped and searched under Section 44 with that of the population of England and Wales as a whole, Asians and Blacks were disproportionately targeted compared with whites, with Asians in 2009/10 on average over six times more likely to be stopped and searched, and black people on average almost eight times more likely (the respective average disproportionality ratios for each group being 6.2 and 7.86) (Quinlan and Derfoufi 2015, 136) In January 2010, Section 44 was declared unlawful by the European Court of Human Rights, which noted in its judgment that 'none of the many thousands of searches has ever resulted in conviction of



a terrorism offence.’ (Gillan and Quinton v UK, para.148)

Schedule 7 searches

Schedule 7 of the Terrorism Act 2000 is a similarly draconian power which applies to port and border controls. Described by the civil liberties group Liberty as ‘a breathtakingly broad and intrusive power’, it allows police to detain people at ports and airports for up to nine hours, to conduct searches of their person and to seize their belongings for up to seven days. Those detained under Schedule 7 are not entitled to a publicly funded lawyer, are obliged to answer questions and, if detained at a police station, to provide biometric data, including fingerprints and DNA. All this can be done without any requirement for ‘reasonable suspicion’, meaning that those detained under this power need not be suspected of any crime, yet have less legal rights than criminal suspects.

The religion of those detained under Schedule 7 is not recorded in official statistics, but there are figures on the ethnicity of those examined or detained. For the period of 2010/11 to 2012/13 the race disproportionality ratio (RDR) – the

measure used to account for any disproportionality in police stop and searches – shows that someone of Pakistani ethnicity is over 150 times more likely to be detained under Schedule 7 than a white person (Hurrell 2013, 28). By way of comparison, the headline figure for the EHRC’s 2010 report *Stop and Think* which revealed the continuing discriminatory use of police stop and search powers, was based on a black/white RDR finding of 6.5. (Equalities and Human Rights Commission 2010)

Referrals to Channel

‘Channel’ is the UK government’s ‘pre-criminal diversionary programme’, which it claims ‘provide[s] support for people vulnerable to being drawn into any form of terrorism’. Whilst the government does not publish figures on referrals to the programme, some data has been released, under the Freedom of Information Act, by the National Police Chief’s Council. According to one such disclosure, between April 2007 (when Channel was established) and May 2015, a total of 6,306 individuals have been referred to the programme. Of those, as many as 2,015 referrals were made in the first five months of 2015 alone.

An earlier disclosure in 2013 stated that between April 2007 and December 2011, 67% of those referred to the programme were Muslim. No data on the religion of persons referred was then recorded between January 2011 and March 2012, whilst the proportion recorded as Muslims from April 2012 to March 2013 fell to 57.4%. These figures, however, are somewhat misleading since they include a substantial proportion of individuals for whom their religion is not known, a different category to those of no religion, or who preferred not to state their religion. Excluding this unknown category suggests that in the earlier period of the programme over 90% of those referred were Muslims. Then from April 2012 to March 2013, it would suggest that Muslims made up approximately 78% of those referred. Over the whole of that period, according to the same disclosure, 14% of referrals were categorised as being related to far-right extremism. Figures subsequently disclosed for 2013/4 state that 689 of the 1,252 individuals referred were categorised as Muslims, which again excluding those for which their religion is not known (388), suggesting that Muslims made up over 79% of referrals in that more recent period.

The most recent figures released under the Freedom of Information Act show that there has been a sharp jump in Channel referrals since the introduction of the Counter Terrorism and Security Act 2015, which brought in the new statutory duty for public institutions to pay 'due regard' to prevent people being drawn into terrorism. Between July 2015 and June 2016 there were 4,611 referrals – a 75% increase on the previous year. Notably, of these some 2,311 were of children (including 352 under 9 years old).⁴

In short, the available data on Channel reveals that Muslims certainly make up the majority of referrals and likely make up the great majority, with the far right making up the remainder. Whilst the proportion of Muslims making up the referrals to the Channel programme is remarkable enough in itself, to appreciate the significance of these figures one has to compare them to the proportion of the population as a whole which Muslims make up, which according to the 2011 England and Wales Census is 4.8%. If being Muslim had no significant impact on the probability of referral to the programme therefore, we would expect Muslims to make up roughly the same proportion of persons referred to the Channel programme. This is obviously not the case and even taking the lowest proportion of referrals suggested by these

somewhat patchy official figures (78%) would suggest Muslims are overrepresented by a figure of 16.25, and that **a Muslim is over 70 times more likely to be referred to the Channel programme than a non-Muslim.**

Prison population

Over the course of the 'War on Terror' the proportion of Muslim prisoners in UK prisons has increased from 7.7% in 2002 to 13.4% in 2012 (Ministry of Justice 2013, 9), suggesting a Muslim prisoner population of around 11,000. Only a tiny proportion (just over 1%) of these have been imprisoned for terrorism related offences. According to Home Office statistics, as of 31 December 2014 there were 183 people in custody in the UK for terrorism-related offences and domestic extremism. These prisoners fall into two categories: those in custody for 'terrorism-related offences' and those in custody for 'domestic extremism'. Of the 124 people falling into the former category, 123 identify as Muslim. (Home Office 2015a) The majority in the latter category, according to the Home Office, 'belong to extremist animal rights groups, or are members or associates of far-right groups.' (Home Office 2015b, 14) Of the 59 prisoners classified as 'domestic extremists', two identify as Muslims and 53 are white (one prisoner identifies as Asian, another as 'Chinese or Other' and four were unrecorded).

The influence of think tanks

There have been a range of think tanks active on counter terrorism and Islam. There are serious concerns over the quality and integrity of the evidence these organisations produce, and there have been several controversies over their research. The spreading of Islamophobic ideas in the public sphere is one effect of these think tanks' activities. Another effect appears to be influencing government policy in a more Islamophobic direction. Muslim public figures and civil society organisations have been the targets of misinformation and smearing but policy interventions that restrict Muslim political participation in public life. An early example was when a report by the Policy Exchange was withdrawn by the think tank after the BBC established that some of the receipts purporting to establish that 'extremist' literature was being sold in British Mosques had been forged.⁵ There have since been other examples where think tanks' research alleging 'extremist' activities by British Muslims has been challenged on the basis that it

was either non factual or was exaggerated.⁶ The specific examples that have come to light reflect broader concerns about the integrity of their research. The following examples illustrate that neoconservative think tanks are attempting to influence government counter terrorism policy and have at least arguably had some effect.

2011 revision of Prevent

The Centre for Social Cohesion (CSC), which was later incorporated into the Henry Jackson Society(HJS), and the Policy Exchange, all widely described as 'neoconservative', were at the forefront of pushing for the revision of Prevent towards a focus on non-violent 'extremism'.^{7 8 9 10}

The Counter Terrorism and Security Act (2015) was consonant with the ideas of the neoconservative think tanks. In September Cameron publically named four universities that had allegedly hosted speakers with views 'contrary to British values' – claims denied by the universities concerned. Shortly thereafter, the *Times Higher Education* reported that the source of much of the data was the HJS itself, via: a recent report by Student Rights, an arm of the Henry Jackson Society. Written by Student Rights director Rupert Sutton, the Preventing Prevent report lists the four London universities mentioned by Downing Street in its own table of the most-visited universities.

It also includes a list of former students later convicted of terrorism-related offences – of whom eight are also mentioned in the Downing Street statement using terms that are identical or almost identical to ones used in the Student Rights report.¹² The evidential basis of this and other reports by Student Rights has also been called into question on a number of occasions.¹³

The state has been absolutely central to contemporary Islamophobia, and it follows rather straightforwardly that any movement against Islamophobia must focus not only on public prejudice, nor exclusively on the far right, but first and foremost on the excessive powers of the state counter-terrorism apparatus, campaigning for the reform of laws and practices which cause disproportionate disadvantage to Muslims. This means first of all defending to the utmost the basic human rights and legal processes that are abused and eroded with appeals to 'counter-terrorism' and 'counter-extremism'. The encroachments on basic rights and liberties represented by successive pieces

of anti-terrorism legislation should be reinstated by repealing all of the legislation including those introduced in 1974 as the Prevention of Terrorism (temporary) Provisions Act. The recent move toward targeting 'non violent extremism', thought crimes and the pre criminal space should be repudiated and instead the police and intelligence agencies should focus on tackling violent activities. Where crimes of political violence are committed those that commit them should be prosecuted in accordance with due process.

But challenging the racism inherent in counter terrorism apparatus also means challenging a militaristic and anti-democratic geopolitics that is deeply embedded in state institutions and elite policy making, and which similarly offends against basic liberal and democratic principles. Moreover there is abundant evidence that UK and western foreign policy are themselves a key cause of attacks in the UK. This is a conclusion reached even by some elements in the UK intelligence services. An effective movement against Islamophobia then, in our view, should also be a movement for peace, democracy and human rights.

Footnotes

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2 We should mention in particular Tom Griffin and Hilary Aked. 3 Massoumi, N., Mills, T. and Miller, D. (eds) (in preparation) *What is Islamophobia? Racism, Social Movements and the State*. Pluto Press.

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